

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The Applicants wish to thank the Examiners for the courtesy shown to their attorney during a telephone interview on May 4, 2010. The participants were Exrs. Di Prisco and Perez-Gutierrez and the undersigned. The following includes a summary of the substance of the interview.

During the interview, the undersigned referred to the points for allowability made in the Amendment filed April 9, 2010. The Examiners indicated that claim 26 would be allowable if criteria (c) were amended to recite "c) the user equipment is currently utilizing the maximum uplink resources set by scheduling grants for scheduled uplink data transmission." The insertion of the word "currently" is consistent with the already intended meaning of claim 26 particularly noting the remarks at page 12, lines 13-14 of the Response filed November 9, 2009. It was agreed that claims 32, 38 and 45 would be allowable if amended similarly to the above changes to claim 26.

Claims 26, 32, 38 and 45 have been amended as discussed above. In addition, the Applicants have noted that claims 27 and 39 should be amended to insert the word "currently" to be consistent with the changes to claims 26 and 38. Claims 27 and 39 have been amended accordingly.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a personal communication, the examiner is requested to e-mail the undersigned at the address listed below to set up a telephone discussion.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 007725-06120  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 457-0160  
Facsimile: (202) 659-1559  
E-Mail: [jledbetter@dickinsonwright.com](mailto:jledbetter@dickinsonwright.com)  
DC 7725-6120 153948